

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

FEBRUARY 7, 2002

A meeting of the New Hampshire Real Estate Commission was held on Thursday, February 7, 2002 at 10:00 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 10:00 a.m. by Chairman ARTHUR SLATTERY.

Present: Commissioners ARTHUR SLATTERY, MARTIN SMITH, PAULINE IKAWA, BARBARA HEATH, NANCY LeRoy, Executive Director BETH EMMONS, Investigator ANN FLANAGAN, and Executive Secretary CINDY PATTEN.

- I. Motion by Commissioner HEATH, seconded by Commissioner SMITH, to approve and accept the minutes of the Commission meeting held on January 15, 2002.

II. APPOINTMENTS

10:30 a.m. - GERALD WINN appeared before the Commission with his Attorney Gary Wood for a reconsideration of the Commission decision of File No. 3-8-00 Rebecca Bryan & Ryan Frankenberg vs. Gerald Winn (Century 21 Winn Associates). After discussion and review, and on a motion by Commissioner LeRoy, seconded by Commissioner Smith, the Commission unanimously decided to reverse the Commission's previous decision to no violation.

10:40 a.m.- Equivalency Interviews

<u>CANDIDATE</u>	<u>COMMISSIONER</u>	<u>DETERMINATION</u>
ROBERT ST. GEORGE, III	HEATH	APPROVED

III. DISCUSSION

WILLIAM ARNOTT requested a clarification of the December 18, 2001 Commission ruling regarding giving gifts or money to an unlicensed individual not to exceed \$100. After review and discussion and on a motion by Commissioner Smith, seconded by Commissioner LeRoy, the Commission unanimously decided to submit Mr. Arnott's request for a clarification, along with the Commission's proposed modifications, to the Attorney General's office for an interpretation.

INSTRUCTOR ACCREDITATION - The Commission discussed what should be the criteria for an instructor to be accredited and to maintain accreditation. The Commission suggested that this matter should be discussed with the instructors at the annual instructors' workshop, and to solicit the criteria used in other states.

INSTRUCTOR ACCREDITATION - The Commission reconsidered its recent interpretation of Rea 302.01(b) and the actual intent of the rule. After a discussion and review, and on a motion by Commissioner LeRoy, seconded by Commissioner Smith, the Commission unanimously decided that the actual intent of the rule was to require all pre-licensing and core instructors to have 72 hours of real estate related course teaching experience within the State of New Hampshire, but that it does not apply to the elective course providers. The Commission suggested that this rule be clarified in a future rulemaking.

INFORMATION TECHNOLOGY C.E. COURSES - The Commission discussed various types of Information Technology courses possibly being accredited as continuing education elective courses. The Commission unanimously decided that certain Information Technology courses would be approved as long as the courses demonstrate a benefit to the consumer and relate to real estate.

V. **OTHER BUSINESS**

1. Tuesday, March 19, 2002 was unanimously approved as the date for the next regular meeting.

2. **CASE EVALUATIONS**

(a) **FILE NO. 2001-09-02**

Evaluator: Commissioner Ikawa

Determination: Should be heard, hearing to be scheduled.

(b) **FILE NO. 2001-10-04**

Evaluator: Commissioner Heath

Determination: No violation, should not be heard. However, if the Complainants can substantiate the alleged violations with evidence, the Commission will reconsider the Complaint.

The above determinations were unanimously approved.

7. **FINAL APPROVAL OF INITIAL RULEMAKING PROPOSALS**

After discussion and review, and on a motion by Commissioner LeRoy, seconded by Commissioner Ikawa, the initial proposal was unanimously approved by the Commission as final and to be submitted to Legislative Services for adoption:

Rea 301.02 Fees.

(a) The applicant for each original broker license and renewal thereof shall pay a fee of \$90.

- (b) The applicant for each original salesperson license and renewal thereof shall pay a fee of \$65.
- (c) The broker or salesperson shall pay a fee of \$5 for each duplicate license.
- (d) The broker or salesperson shall pay a fee of \$15 for each license amendment.
- (e) The broker or salesperson shall pay a fee of \$5 for each certificate of license and good standing.
- (f) The applicant for each qualifying examination shall pay a fee of \$65.
- (g) The broker or salesperson shall pay a fee of \$25 or 5% of the face amount of the check, whichever is greater, plus all protest and bank fees for each check, draft or money order dishonored and returned to this office pursuant to RSA 6:11-a.
- (h) The broker or salesperson shall pay a penalty fee of \$50, in addition to the regular renewal fee, for renewal of a license up to 6 months after its expiration.
- (i) Real estate course providers shall pay an evaluation fee of \$30 each time a course is submitted to the commission for accreditation or reaccreditation.
- (j) Individual real estate licensees shall pay a fee of \$10 for each course submitted to the commission to be evaluated for continuing education credit.

VIII. Motion by Commissioner HEATH, seconded by Commissioner SMITH to adjourn the meeting. Chairman SLATTERY adjourned the meeting at 11:15 a.m.

Respectfully submitted,



PAULINE IKAWA
Acting Clerk